

REMARKS/ARGUMENTS

Claims 55 and 60 were rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, et al. (US 6,684,030), Williams, Jr. (US 6,202,211), and Herrod, et al. (US 6,405,049).

Claims 56-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-28, 44-54, and 61 were allowed.

A corrected filing receipt for the present application was requested by the Applicants with the Office of Initial Patent Examination on June 1, 2004. A copy of the request is included herein in Appendix A. Based on the rationale presented in the request, the Applicants believe the present patent application (which is a CIP of the parent patent (08/607,964, now US 5,983,068) should have received an earliest priority date of February 29, 1996 which is the priority date of the US 5,983,068 patent.

Since the present application claims the benefit of the February 29, 1996 filing date, and since the priority dates of the prior art references to Taylor et al., Williams, Jr., and Herrod et al. are after the February 29, 1996 filing date, the Applicants respectfully believe these references are not properly cited against the present application and respectfully request these references not be asserted against the present application.

Rejected claim 55 claims:

A plurality of set-top box circuits each comprising:

a microcontroller containing memory; and

a peripheral device interface operably coupled to a plurality of peripheral devices adapted to process data bandwidth segments, wherein each of the set-top box circuits are operably coupled, in a ring network configuration, to a multi access channel.

The basis for this claim in the U.S. 5,983,068 parent patent appear in the following locations:

Column 2 lines, 15-18, Column 2, lines 34-39, Figure 4, Figure 5, Figure 8, Column 5 line 40-48, Column 5 lines 49-58, Column 6 lines 47-54, Column 10 lines 38-48, Column 10 lines 49-56, Column 10 lines 57-67.

Rejected claim 60 claims:

The set-top box circuits of claim 55 wherein the microcontroller is further adapted to perform at least one of a following action on the data bandwidth segments from a group consisting of: dropping; forwarding; receiving and dropping; receiving and forwarding; looping back; and passing through.

The basis for this claim in the U.S. 5,983,068 parent patent appear in the following locations:

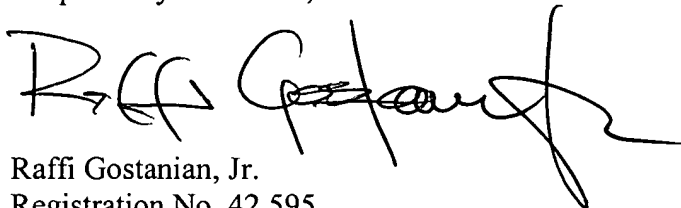
Column 6 line 47 through Column 7 line 11, Column 6 line 11-25, Column 5 lines 47-56, Column 5 lines 35-47, Column 7 line 62 through Column 8 line 7, Column 8 line 56 through Column 9 line 7, Column 9 lines 18-28.

As disclosed above, the Applicants believe a basis exists for these claims in the US 5,983,068 patent and that the present application properly claims the benefit of the February 29, 1996 filing date. For these reasons, the Applicants believe the present application is in condition for allowance and respectfully request that it be passed to allowance.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Jackson Walker L.L.P. Account No. 50-1752.

Examiner is invited to contact the undersigned by telephone if the Examiner believes that such a communication would advance the prosecution of the present patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raffi Gostanian, Jr.', with a stylized, flowing script.

Raffi Gostanian, Jr.
Registration No. 42,595

Please send all correspondences regarding this matter to:

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Appendix A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John Tomich	Art Unit:	2664
Serial No.:	09/435,657	Examiner:	Prenell Jones
Filed:	November 8, 1999	Docket:	108513.00011

For: **PHOTONIC HOME AREA NETWORK**

OFFICE OF INITIAL PATENT EXAMINATION

June 1, 2004

ATTN: Office of Initial Patent Examination's Filing Receipt Corrections
Commissioner For Patents

P.O. Box 1450
Alexandria, VA 22313-1450

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Date of Deposit: June 1, 2004

Sir:

Applicants believe the above referenced patent (09/435,657) incorrectly received a priority filing date of November 8, 1999. The attached documentation, described in greater detail below, will provide a clear basis for an earlier priority filing date of February 29, 1996.

A. Front Page of the 09/435,657 Patent

The first paragraph states, "This is a continuation-in-part of U.S. Nonprovisional Application serial no. 08/607,964, entitled Photonic Home Area Network, filed February 29, 1996, to John L. Tomich, et al., which is incorporated herein by reference for all purposes." It is clear that this patent is a CIP of the parent patent (08/607,964, now U.S. Patent 5,983,068) which was filed on February 29, 1996. As such, the CIP patent application should have been accorded the benefit of the earliest filing date which is February 29, 1996.

B. Declaration

On page 2 of the Declaration for the 09/435,657 patent, the benefit of the parent patent (08/607,964, now U.S. Patent 5,983,068) is claimed. As such, the CIP patent application should have been accorded the benefit of the earliest filing date which is February 29, 1996.

Based on the rationale presented above, Applicants believe the CIP patent application should have been accorded the benefit of the February 29, 1996 filing date and respectfully request the filing receipt be corrected to reflect this date.

Please contact the undersigned below if you have further questions.

Respectfully Submitted,

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PHOTONIC HOME AREA NETWORK

Related Applications

This is a continuation-in-part of U.S. Nonprovisional Application serial no.
08/607,964, entitled Photonic Home Area Network, filed February 29, 1996, to John L.
Tomich, et al., which is incorporated herein by reference for all purposes.

Technical Field

The present invention relates to a device for bi-directional routing of data for a
plurality of dissimilar electronic devices, and in particular, to data routing for a plurality of
dissimilar electronic devices from a common data path.



ATTORNEY DOCKET NO.

JUN 10 2000 0447-P001CP

PATENT

APPLICATION NO. 09/435,657

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

PHOTONIC HOME AREA NETWORK

the specification of which (check one)

- ☐ is attached hereto.
- ☒ was filed on November 8, 1999
as Application Serial No. 09/435,657
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

ATTORNEY DOCKET NO.
19447-P001CP

PATENT
APPLICATION NO. 09/435,657

Prior Foreign Application(s):

Priority Claimed

(Number) (Country) (Day/Month/Year) ☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial #) (Filing Date) (Status)

08/607,964 02/29/96 PENDING

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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ATTORNEY DOCKET NO.
19447-P001CP

PATENT
APPLICATION NO. 09/435,657

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